

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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MICROBILT CORPORATION

Plaintiff,

- against -

Civil Action No. 3:19-cv-00637

BAIL INTEGRITY SOLUTIONS, INC. and  
THOMAS BRIAN SHIRAH in his individual  
capacity; ABC COMPANIES (1-10), JOHN and  
JANE DOES (1-10)

Defendants.

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**MICROBILT’S MOTION AND MEMORANDUM IN SUPPORT FOR LEAVE TO FILE  
EXHIBITS UNDER SEAL**

Plaintiff MicroBilt Corporation (“MicroBilt”) requests that the Court file Exhibits D, E, H, I, J, and K to Defendants’ Motion for Partial Summary Judgment [Doc. No. 40] under seal. As grounds for this Motion, MicroBilt states the following:

The below Exhibits all contain confidential and sensitive business data that should not be shared with the public or MicroBilt’s competitors. They include MicroBilt pricing and contracts, applications from the Defendants, including Defendant Mr. Shirah’s PII, and sensitive emails MicroBilt emails regarding the investigation of the allegations in this case. Exhibits H, I, J, and K have all been designated Confidential by MicroBilt pursuant to the Protective Order entered by this Court on February 6, 2020 [Doc. No. 27]. Exhibits D and E contain references to those Confidential documents. They are attached to the Defendants’ Motion for Partial Summary Judgment in the instant action, filed on December 14, 2020.

Exhibits:

- 1) Exhibit D: Excerpts of Deposition Testimony of Walter Wojciechowski, as Corporate Representative of MicroBilt, containing references to documents that have been Confidential;
- 2) Exhibit E: Excerpts of Deposition Testimony of Matthew Roesly containing references to documents that have been designated Confidential;
- 3) Exhibit H: Letter of Intent between Bail Integrity Solutions, Inc. and MicroBilt Corporation;
- 4) Exhibit I: Bail Integrity Solutions, Inc. Application for Access to Consumer Reports and FCRA Related Data;
- 5) Exhibit J: Bail Integrity Solutions, Inc. User Agreement with MicroBilt Corporation;
- 6) Exhibit K: Emails Between MicroBilt Corporation and Bail Bond Technologies, which included sensitive business data and information about MicroBilt Technology.

Disclosure of such non-public personally identifiable and proprietary information will result in the serious injury to MicroBilt and other persons whose information is disclosed if said documents are not sealed. Less restrictive alternative to the relief sought are not available. This Court has previously ordered three of these Exhibits (H, I, and J) sealed when filed with the Complaint via Order dated March 2, 2019 [Doc No. 12].

For the foregoing reasons, MicroBilt requests that this Motion be granted and that the above referenced Exhibits be filed under seal by the Clerk of Court. MicroBilt further requests that it be awarded its attorneys' fees and costs for having to seek the sealing of these exhibits. The exhibits were initially filed in violation of the Court's Protective Order.

Counsel for Defendant initially consented to the filing of this motion but when apprised of the fact that Plaintiff would be seeking attorneys' fees and costs, Mr. Hilliard indicated he does not consent.

Respectfully submitted this 17th day of December, 2020.

Respectfully submitted,

/s/ Gene M. Burd  
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***Counsel for the Plaintiff MicroBilt Corporation***

**CERTIFICATE OF SERVICE**

The attorney whose name appears below certifies that he has this day served Plaintiffs with this **MOTION AND MEMORANDUM IN SUPPORT FOR LEAVE TO FILE EXHIBITS UNDER SEAL** by causing a copy to be filed, via electronic filing, with the Clerk of Court via CM/ECF, which will send notification to the registered attorney of record that that the document has been filed and is available for viewing and downloading via electronic mail to:

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/s/ Gene M. Burd  
Gene M. Burd